AMENDMENTS TO THE CLAIMS

1-48. (Canceled)

49. (New) A data transmitting apparatus comprising:

a packetizing blocks configured to packetize information and data into a stream of non-real time packets and streams of real time packets, successive ones of the real time packets in one of the streams being chronologically separable by a time interval;

a stream transmitting portion configured to transmit a non-real time packet from the stream of non-real time packets, said non-real time packet being transmissible during a non-real time period,

wherein said non-real time period is said time interval when said time interval is determined to be longer than a transmission time for the non-real time packet, said transmission time for the non-real time packet being a time length for transmission of said non-real time packet.

50. (New) The data transmitting apparatus as set forth in claim 49, wherein said non-real time period is a period following an absence of a real time packet request, said real time packet request being a request to transmit any of the real time packets.

51. (New) The data transmitting apparatus as set forth in claim 49, wherein said non-real time packet is transmissible following a non-real time packet request, said non-real time packet request being a request to transmit said non-real time packet.

52. (New) The data transmitting apparatus as set forth in claim 49, wherein said stream transmitting portion is configured to transmit said successive ones of the real time packets.

53. (New) The data transmitting apparatus as set forth in claim 49, wherein said stream transmitting portion is configured to transmit a real time packet from said one of the streams of real time packets and a different real time packet from a different one of the streams of real time packets.

54. (New) The data transmitting apparatus as set forth in claim 53, wherein said real time packet is transmissible before transmission of said different real time packet when an end time for said real time packet is earlier than a different end time for said different real time packet.

55. (New) The data transmitting apparatus as set forth in claim 54, wherein said real time packet is transmissible during a real time period and said different real time packet is transmissible during a different real time period, said real time period overlapping said different real time period.

56. (New) The data transmitting apparatus as set forth in claim 55, wherein said real time period terminates at said end time, said different real time period terminating at said different end time.

57. (New) The data transmitting apparatus as set forth in claim 49, wherein said non-real time packets are packets of the information and said real time packets are packets of the data.

58. (New) The data transmitting apparatus as set forth in claim 57, wherein said information is text, said data being moving picture and audio data.

59. (New) A data transmitting method comprising:

packetizing information and data into a stream of non-real time packets and streams of real time packets, said stream of non-real time packets and said streams of real time packets being stored in buffer memories;

chronologically separating successive ones of the real time packets in one of the streams, a time interval being between said successive ones of the real time packets;

transmitting a non-real time packet from the stream of non-real time packets, said non-real time packet being transmitted over a transmission path during a non-real time period,

wherein said non-real time period is said time interval when said time interval is longer than a transmission time for the non-real time packet, said transmission time for the non-real time packet being the length of time to transmit said non-real time packet.

60. (New) The data transmitting method as set forth in claim 59, wherein said non-real time period is a period following an absence of a real time packet request, said real time packet request being a request to transmit any of the real time packets.

61. (New) The data transmitting method as set forth in claim 59, wherein said non-real time packet is transmitted following a non-real time packet request, said non-real time packet request being a request to transmit said non-real time packet.

62. (New) The data transmitting method as set forth in claim 59, wherein said successive ones of the real time packets are transmitted.

63. (New) The data transmitting method as set forth in claim 59, further comprising:

transmitting a real time packet from said one of the streams of real time packets and a different real time packet from a different one of the streams of real time packets.

64. (New) The data transmitting method as set forth in claim 63, wherein said real time packet is transmitted before transmission of said different real time packet when an end time for said real time packet is earlier than a different end time for said different real time packet.

65. (New) The data transmitting method as set forth in claim 64, wherein said real time packet is transmitted during a real time period and said different real time packet is transmitted during a different real time period, said real time period overlapping said different real time period.

66. (New) The data transmitting method as set forth in claim 65, further comprising:

terminating said real time period at said end time; and

terminating said different real time period at said different end time.

67. (New) The data transmitting method as set forth in claim 59, wherein said non-real time packets are packets of the information and said real time packets are packets of the data.

68. (New) The data transmitting method as set forth in claim 67, wherein said information is text, said data being moving picture and audio data.